

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:12-cr-445-JJH-1

Plaintiff,

v.

ORDER

Lionel Perez,

Defendant.

Defendant Lionel Perez has filed a motion to reduce his sentence. (Doc. No. 751). Perez argues I should reduce his sentence pursuant to 18 U.S.C. § 3582(c). He points to the decisions of the Supreme Court of the United States in *Welch v. United States*, 136 S. Ct. 790 (2016), and *Johnson v. United States*, 135 S. Ct. 2551 (2015), as the basis for his request. (Doc. No. 751 at 1).

Section 3582(c) does not permit the modification of a defendant's term of imprisonment except in limited circumstances. Where a defendant seeks a reduction based upon circumstances other than those contained in that subsection, including based upon a claim that the sentence the defendant received violates federal law, the defendant must seek relief under 28 U.S.C. § 2255. Because recharacterizing a *pro se* litigant's motion as a § 2255 application may have unintended consequences for the defendant, *see, e.g., Castro v. United States*, 540 U.S. 375, 383 (2003), I deny Perez's motion to reduce his sentence without prejudice.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge